

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DAVID A. STEBBINS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 1:14cv1267
)	
RONALD CARTER, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

**NOTICE OF WAIVER OF SERVICE & MOTION FOR
ENLARGEMENT OF TIME**

Pursuant to Federal Rules of Civil Procedure 4 and 6, the defendants to the above-captioned action hereby notify this Court of a service decision made by one individual-capacity defendant, and request a ten-day enlargement of time so as to file all individual-capacity defendants' responses to plaintiff's complaint simultaneously.

1. In an order dated February 19, 2015, this Court ordered that Deputy United States Marshals Ronald Carter and Joshua Devine be joined to this instant action as individual-capacity defendants (Dkt. No. 21).

2. Since the date of that order, Deputy Marshal Carter was served with a copy of the summons and complaint on March 30, 2015, thus making his response to the complaint due to be filed on or before May 29, 2015. *See* Fed. R. Civ. P. 12(a).

3. Deputy Marshal Devine, however, has yet to be served in accordance with Federal Rule 4. In an exercise of good faith, and to further the efficient and speedy disposition of this action, Deputy Marshal Devine has voluntarily agreed to waive service of process. As a result,

under the Federal Rules, Deputy Marshal Devine's response to plaintiff's complaint in this action would be due within sixty days, or on July 27, 2015.

3. Because it makes little sense for each individual-capacity defendant to file a separate response to the complaint, Deputy Marshal Carter respectfully requests a ten-day enlargement of time – or until June 8, 2015 – to file his response to the complaint, which will include the response of Deputy Marshal Devine.

4. Undersigned counsel wrote to plaintiff, who is proceeding *pro se*, in an attempt to obtain his consent for the relief sought through this motion. After many back-and-forth communications with plaintiff on this subject (attached as Exhibit A), plaintiff has not yet provided his consent.

5. A proposed order has been attached for the convenience of this Court.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

By: /s/
DENNIS C. BARGHAAN, JR.
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DATE: May 28, 2015

ATTORNEYS FOR DEFENDANTS

OF COUNSEL: Ed Bordley
United States Marshals Service

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and will transmit a true and correct copy of the foregoing to the following non-user via first-class mail:

David Stebbins
123 W. Ridge Street, Apt. D
Harrison, Arkansas 72601

Date: May 28, 2015

/s/
DENNIS C. BARGHAAN, JR.
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